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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN D.E. GERTSCH,  
Plaintiff,  
v.  
COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,  
Defendant.

**Case No. 3:17-cv-01076-AC**

**ORDER FOR ATTORNEY FEES UNDER  
42 U.S.C. § 406(b)**

Plaintiff, John D.E. Gertsch, brought this action seeking review of the Commissioner of the Social Security Administration's final decision denying his application for Supplemental Security Income under Title XVI of the Social Security Act. The Court remanded the case for further administrative proceedings. ECF Doc. No. 17. On remand, Plaintiff receive a Fully Favorable decision, awarding him Supplemental Security Income.

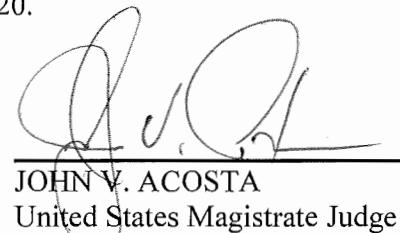
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. The Court finds the requested fees are reasonable.

Plaintiff's motion [ECF Doc No. 26] is granted, and Plaintiff's counsel is awarded \$13,644.00 in attorney fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff \$8,138.87 in fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

When issuing the Section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney, Jamie M. Evans, the balance of \$5,505.13, less any applicable processing fee prescribed by law. The Section 406(b) check should be mailed to Jamie M. Evans, 222 NE Park Plaza Drive, Suite 113, Vancouver, WA 98684.

IT IS SO ORDERED.

DATED this 22<sup>nd</sup> day of July, 2020.



JOHN V. ACOSTA  
United States Magistrate Judge

Proposed Order Submitted on July 20, 2020

/s/ Jamie M. Evans  
Jamie M. Evans, OSB 117064  
Attorney for Plaintiff